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Our Case No.
10022-111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vicki St. John)	
Serial No. 09/387,195)	
Filing Date: August 31, 1999)	Examiner: Angela Armstrong
For: A VOICE RECOGNITION SYSTEM FOR NAVIGATING ON THE INTERNET)	Group Art Unit No. 2654
)	
)	

SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with the final rejection of all pending claims which was mailed on June 2, 2005, and the Notice Of Appeal, which was filed on August 24, 2005, Appellants request reinstatement of the appeal and have filed this supplemental brief with a request for a one-month extension of time. Because a notice of appeal and an appeal brief were previously filed in this case, no other fees are believed to be due, per M.P.E.P. 1208.02.

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I. Real Party in Interest

This is an appeal from the final rejections in the Office Action mailed on June 2, 2005 for the application of Vicki St. John. The real parties in interest are the assignee, Accenture LLP, and Accenture Global Services GmbH, a Switzerland company. Both of these entities are associated with Accenture, Ltd., a publicly-traded Bermuda-based company.

II. Related Appeals and Interferences

There are no related appeals or interferences that would affect, be affected by, or have a bearing upon, the Board's decision in the present appeal in this application.

III. Status of Claims

Claims 1-33 are pending in this application. Appeal is taken from the final rejection of Claims 1-33 in the final Office Action mailed on June 2, 2005.

IV. Status of Amendments

The last amendments filed in this case were mailed by Appellant on May 28, 2002, as part of the request for continued examination. The Amendments were entered. No other amendments are pending.

V. Summary of Invention

The claimed subject matter is described in several places in the present patent application. The disclosure in the figures is principally made in Figs. 1, 8, 9, 21-27, 29-31, and 33-36. Other figures may contain support for particular elements or features, such as those found in dependent claims. Textual support is found in the specification on p. 3, lines 3-19, on p. 37, line 13 to p. 9, line 14; on p. 74, line 27 to p. 83, line 15; on p. 84, line 27, to p. 87, line 22; p. 88, line 8, to p. 89, line 26; and on p. 89, line 27, to p. 95, line 13. Other textual support for particular elements or features, such as those found in dependent claims, may be found on other pages.

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One embodiment of the invention includes a method for recognizing voice commands for manipulating data on the Internet. The method, as recited in Claim 1, includes steps of providing data on a website on the Internet, receiving voice signals from a user accessing the website, establishing an identity of the user through at least two voice authentication algorithms, interpreting the voice signals of the user for determining navigation commands, and outputting selected data of the website based on the navigation commands. See specification, p. 3, lines 3-7. Claim 19 is similar to Claim 1. Other independent claims recite a computer program embodied on a computer readable medium for accomplishing these tasks, and a system, also for accomplishing these same tasks. See Claims 7, 13 and 30.

Independent Claim 26 recites a system for accessing and navigating data on the Internet using voice signals. See Figs. 1, 8-9, 21-27 and 35-36, and the specification, p. 37, line 13 to p. 38, line 29, and also p. 89, last line, to p. 95, line 13. The system, as recited in Claim 26, includes a transducer for transducing and transmitting signals indicative of a voice, a terminal for receiving signals indicative of the voice, the terminal further comprising a receiver, an analog front end, and a codec. The system also includes an interface between the terminal and a processor, as well as a processor for receiving and processing signals from the transducer and the terminal through the interface, wherein when a user inputs a voice signal to the transducer, access to the data on the Internet is allowed if the voice signal matches a previously-stored voice signal from the user using at least two voice-authentication algorithms, and the system interprets the voice signals of the user for determining navigation commands.

VI. Issues

The issue on appeal is whether there is error in rejecting Claims 1-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,915,001 to Premkumar Uppaluru ("Uppaluru") in view of U.S. Pat. No. 5,913,196 to Rita Talmor et al. ("Talmor").

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A. References

The Uppaluru patent, U.S. Pat. No. 5,915,001, issued on June 22, 1999, from an application filed on Nov. 14, 1996. The Uppaluru patent is directed to a system and method for providing and using universally accessible voice and speech data files. In particular, Uppaluru features voice-based documents that are addressable and are universally accessible over the Internet.

The Talmor patent, U.S. Pat. No. 5,913,196, issued on June 15, 1999, from an application filed on Nov. 17, 1997. The Talmor patent is directed to a system and method for establishing an identity of a speaker. Talmor in particular teaches the importance of accuracy in recognizing or authenticating a person attempting to access a computer system remotely. Talmor teaches the use of at least two voice authentication algorithms, each different from the other. Talmor teaches independently analyzing a voice of the speaker by each of the at least two voice authentication algorithms, to obtain independent positive or negative authentications of the voice by each of the at least two algorithms.

B. The Rejection

The Office Action states that Claims 1-33 of the application are unpatentably obvious under 35 U.S.C. § 103(a) over the Uppaluru patent in view of the Talmor patent. The rejections indicate that many of the limitations of the inventions claimed in Claims 1-33 are present in Uppaluru, but that Uppaluru fails to teach explicitly a user authentication and verification process implemented with at least two voice authentication algorithms. The rejection then asserts that this feature is well known in the art. The rejection cites Talmor as disclosing a method for identifying a person's identity over a secured network, the method comprising the step of establishing the identity of the user through at least two voice authentication algorithms. The motivation given for combining the references is that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the at least two voice authentication algorithms processing of Talmor, for the purpose of establishing the identity of a speaker via voice authentication for

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authorized access that is more reliable and more efficient, as suggested by Talmor (col. 4, lines 36-40)." Office Action mailed June 2, 2005, p. 3, lines 7-11.

VII. Argument

The rejection of the present application under 35 U.S.C. § 103(a) is in error because the references, alone or in any proper combination, do not teach or suggest the inventions of Claims 1-33. Furthermore, even if the references are construed to collectively disclose the claimed elements, there is no suggestion to combine the references in the manner relied upon in the rejections. Any such rejection is made only with impermissible hindsight and is therefore improper.

Furthermore, the rejection fails to make out a prima facie case of obviousness for at least Claims 21, 23, and 26-29 by failing to state where the prior art teaches the unique limitations of these claims that are not recited in Claims 1-6. The Office Action wrongly asserts that these limitations are similar to Claims 1-6, which they are not.

A. Claims 1-3, 6-9, 12-15, 18-20, 22, 24-25, and 30-31

The rejection admits that Uppaluru fails to explicitly teach establishing the identity of the user through two voice authentication algorithms. Office Action, p. 2, last two lines. The rejection then states that using two voice authentication algorithms in a user authentication or verification process is well known in the art, and cites Talmor for the claim limitation of "establishing the identity of the user through at least two voice authentication algorithms," citing Talmor, col. 3, line 5, to col. 4, line 40.

By the arguments given below, only with impermissible hindsight would one be motivated to combine Uppaluru with Talmor to arrive at the invention claimed in the present application. Accordingly, the rejection is in error because one of ordinary skill in the art would not be sufficiently motivated to combine the references in the manner relied upon in the rejection, because Uppaluru teaches away from the invention.

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i. Talmor teaches a system in which two special algorithms are needed for security

The problem Talmor seeks to solve is controlling access to a secured system while using two de-coupled or de-correlated voice authentication algorithms.

Talmor, col. 5, lines 2-3 and 30-44. If the two algorithms are correlated in some manner, then in the extreme, using two algorithms is no better than using a single algorithm. Talmor, col. 5, lines 58-63. For instance, use of an algorithm may result in a false acceptance rate of 8%, i.e., 8% of unauthorized users will mistakenly be admitted. This same algorithm may have a false rejection rate of 0.5%, in which an authorized user will mistakenly be denied access. Talmor, col. 5, lines 45-52; see also col. 2, lines 26-31.

If a second, non-correlated algorithm is also used as part of the admissions process, then the false acceptance rate will fall to 0.6%, while the false rejection rate will be 1%. Talmor, col. 5, lines 53-57. The use of two algorithms will thus cause the false acceptance rate, the rate at which unauthorized users are actually admitted, to drop from 8% to less than 1%, a dramatic improvement. However, if the algorithms are correlated in some manner, the effect of using two algorithms may be greatly diminished, and the false acceptance rate may rise to as much as the 8% rate expected from the use of a single algorithm. Talmor, col. 5, lines 58-63.

ii. Uppaluru teaches the use of two samples, which is better than Talmor and thus teaches away from a combination with Talmor

Instead of two voice authentication algorithms as in Talmor, Uppaluru teaches using two samples for identification: (1) a single, sufficiently long voice sample, and (2) another type of authentication or identification, such as voice entry of a password or a personal identification code. Uppaluru, col. 3, lines 1-4 and 7-15. Uppaluru further notes that the combination of every individual's unique vocal characteristics stored in the voice imprint, coupled with random choice of the password phrase, ensures a high degree of security and authentication. *Id.* at lines 15-18.

As noted, Uppaluru teaches that a long voice sample yields a more secure system. This assertion is documented, for example, in U.S. Pat. No. 6,138,095, Fig.

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5, which clearly demonstrates that a longer utterance leads to a much more reliable system. Uppaluru thus teaches that the use of a combination of each individual's unique vocal characteristics stored in a voice sample, coupled with a random password or password phrase, ensures a high degree of security and identification. Uppaluru, col. 3, lines 15-18, and col. 15, line 58, to col. 16, line 31. Applicant submits that this teaching in Uppaluru leads one to understand Uppaluru is more secure, more reliable, and more efficient than Talmor, which thus teaches away from combining the superior Uppaluru invention with the less secure invention of Talmor.

Uppaluru thus teaches away from a combination with Talmor, because Uppaluru alone teaches a more secure and reliable system than a combination with Talmor. A finding of obviousness will be reversed when disclosures in the references that diverge and teach away from the invention at hand are ignored. *W.L. Gore & Assoc., Inc., v. Garlock, Inc.*, 220 U.S.P.Q. 303, 311 (Fed. Cir. 1983) (reversing a district court's finding of obviousness). A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. *In re Gurley*, 31 U.S.P.Q.2d 1130, 1131, (Fed. Cir. 1994). For the reasons set forth above, Uppaluru discourages following the path set out in Talmor.

iii. The motivation relied upon in the Office Action to combine the references requires one of ordinary skill in the art to impermissibly ignore Uppaluru's teachings

The rejection has not given a sufficient motivation for combining the references that outweighs the contradictory teachings concerning Uppaluru's teaching away from the combination. The prior art must be considered in its entirety, including portions that would lead away from the claimed invention. M.P.E.P. § 2141.02. Therefore, the first condition stated in M.P.E.P. § 2143 for establishing a *prima facie* case of obviousness, the motivation for combining the references, is not met. Accordingly, the rejection of Claims 1-3, 6-9, 12-15, 18-20, 22, 24-25, and 30-31 under 35 U.S.C. § 103(a) is improper.

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B. Claims 4, 10, 16, and 32

These claims have an added limitation of "further comprising determining a language from the voice signals." Appellant has already argued above that it is improper to combine the references to reject Claims 4, 10, 16, and 32.

The rejection states that Uppaluru discloses this limitation, citing col. 16, line 49, to col. 17, line 45, and specifically lines 22-24, which state that "personal voice web 300 uses some knowledge of the language to aid the recognition process." Voice recognition inherently involves the language spoken by the speaker; the intent of Claim 4 is to determine which language is being spoken, or whether a foreign language is being spoken. This section in Uppaluru discusses digital sampling of voices and the characteristic phonemes, groups of phonemes, and words spoken by the voices. It is these hints or prior "knowledge of the language" that will aid the speech recognition process in Uppaluru. There is no mention of "determining" which language is being spoken from the voice signals. Accordingly, Uppaluru does not disclose this limitation, and the rejection has not shown that the specific combination of elements claimed in Claims 4, 10, 16, and 32 was disclosed or suggested in the prior art. Therefore, it was error to reject Claims 4, 10, 16, and 32 under 35 U.S.C. § 103(a).

C. Claims 5, 11, 17, and 33

These claims recite an additional limitation of "further comprising utilizing artificial intelligence to interact with the user." The rejection states that Uppaluru discloses these limitations in Fig. 1, element 201, "voice web service agents," with further explanation at col. 10, lines 14-18. This passage states that a personal voice web service agent uses a corresponding service profile agent to retrieve attributes, preferences, and other information about a subscriber. In other words, these agents are merely Uppaluru's "scripts and programs" for retrieving information, not artificial intelligence as the term is normally used, and not as the term is used in the application.

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The application uses the term "artificial intelligence" for helping with voice extraction of the user in the sense of neural networks, such as a hidden Markov model algorithm or a vector quantization algorithm. Specification, p. 79, lines 1-7. The rejection is improper because it does not show that the references teach or suggest the limitation of using artificial intelligence to interact with a user, as recited in Claims 5, 11, 17 and 33. Accordingly, there is error in rejecting Claims 5, 11, 17 and 33.

D. Claims 19-33

The Office Action rejected Claims 19-33, saying merely that Claims 19-33 are similar in scope to Claims 1-6, and are rejected under the same rationale. Office Action, p. 3, last three lines. In order to make a prima facie rejection, the Office Action references must teach or suggest all the limitations of the claims. M.P.E.P. 2143. For Claims 19-33, the rejections do not even purport to cite where in the references the claim limitations are allegedly taught or suggested, nor does the Office Action recite limitations of many of these claims. Accordingly, there is no prima facie rejection of Claims 19-33 and the rejection of Claims 19-33 is improper.

E. Claim 21

The Office Action cites no passage in either reference for the limitations of Claim 21, which recites the method of Claim 19 "wherein the voice signal is characterized by statistical parameters." The present application has a detailed discussion of the statistical treatment of voice signal parameters, see pp. 34-74. Such statistical parameters are not taught or disclosed in Talmor and are also not taught or suggested in Uppaluru.

Accordingly, the Office Action has not shown that the specific combination of elements claimed in Claim 21 was disclosed or suggested in the prior art. Therefore, it was error to reject Claim 21 under 35 U.S.C. § 103(a).

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F. Claim 23

Claim 23, and independent Claim 19 from which Claim 23 depends, are directed to a method for recognizing voice commands, with limitations different from Claims 1-6 and also different from Claims 7-18 of the present application. The rejection provides no specific citation or rationale for the claim limitations of independent Claim 19, or for dependent Claim 23.

The Office Action cites no passages in the references for the specific limitation of Claim 23, which recites the method of Claim 19 "wherein the step of receiving voice signals is accomplished at a first site and the step of comparing is accomplished at a second site." The present application discusses this method on pp. 84-85, with reference to Fig. 29. The rejection does not cite either Uppaluru or Talmor as teaching a first site and a second site for the steps of receiving and comparing the voice signals.

Accordingly, the Office Action has not shown that the specific combination of elements claimed in Claim 23 was disclosed or suggested in the prior art. Therefore, it was error to reject Claim 23 under 35 U.S.C. § 103(a).

G. Claims 26-29

Claims 26-29 recite a system for accessing and navigating data on the Internet using voice signals. Independent Claim 26 recites a number of limitations, including a transducer for transducing and transmitting signals indicative of a voice, a terminal for receiving signals indicative of the voice, the terminal further comprising a receiver, an analog front end, and a codec. The limitations also include an interface between the terminal and a processor and a processor for receiving and processing signals from the transducer and the terminal through the interface, wherein a user inputs a voice signal to the transducer, and access to the data on the Internet is allowed if the voice signal matches a previously-stored voice signal from the user using at least two voice-authentication algorithms, and the system interprets the voice signals of the user for determining navigation commands.

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The Office Action has not cited passages that teach or suggest these limitations in Talmor or in Uppaluru. The Office Action has cited no specific text or figures in the references for any of the limitations of Claim 26, nor for any of the limitations of dependent Claims 27-29. Accordingly, the Office Action has not shown that the specific combination of elements claimed in Claims 26-29 was disclosed or suggested in the prior art. Therefore, it was error to reject Claims 26-29 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the above remarks, Appellant submits that the claimed invention is not unpatentably obvious over the references of record, and that the Office Action has not made out a *prima facie* case of obviousness for these claims. Accordingly, Appellant requests reversal of the rejections of Claims 1-33 under 35 U.S.C. § 103(a). The reversal of all the rejections appears to be in order and is earnestly solicited.

The fee under 37 C.F.R. 1.17 (f) for filing this Appeal Brief was previously submitted with the original Appeal Brief and under M.P.E.P. § 1208.02, no fee, save for an extension of time, is believed to be needed for filing this supplemental brief.

Respectfully submitted,

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XIII. Claims Appendix

1. (Previously presented) A method for recognizing voice commands for manipulating data on the Internet, comprising the steps of:

- providing data on a website on the Internet;
- receiving voice signals from a user accessing the website;
- establishing an identity of the user through at least two voice authentication algorithms;
- interpreting the voice signals of the user for determining navigation commands; and
- outputting selected data of the website based on the navigation commands.

2. (Original) A method as recited in claim 1, wherein the data includes a voice-activated application, the navigation commands controlling execution of the application.

3. (Previously presented) A method as recited in claim 1, further comprising comparing the identity to a data base of persons cleared for access to the data; and allowing the user to access the data if the user is included in the database.

4. (Original) A method as recited in claim 1, further comprising determining a language from the voice signals.

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5. (Original) A method as recited in claim 1, further comprising utilizing artificial intelligence to interact with the user.

6. (Original) A method as recited in claim 1, wherein the selected data includes voice signals and is output to a telephone.

7. (Previously presented) A computer program embodied on a computer readable medium for recognizing voice commands for manipulating data on the Internet, comprising:

- a code segment that provides data on a website on the Internet;
- a code segment that receives voice signals from a user accessing the website;
- a code segment that compares the voice signals from the user with a previously-recorded voice sample to establish an identity of the user, using at least two voice-authentication algorithms;
- a code segment that interprets the voice signals of the user for determining navigation commands; and
- a code segment that outputs selected data of the website based on the navigation commands.

8. (Original) A computer program as recited in claim 7, wherein the data includes a voice-activated application, the navigation commands controlling execution of the application.

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9. (Original) A computer program as recited in claim 7, wherein the user accesses the website from at least one of a computer and a telephone.

10. (Original) A computer program as recited in claim 7, further comprising a code segment that determines a language from the voice signals.

11. (Original) A computer program as recited in claim 7, further comprising a code segment that utilizes artificial intelligence to interact with the user.

12. (Original) A computer program as recited in claim 7, wherein the selected data includes voice signals and is output to a telephone.

13. (Previously presented) A system for recognizing voice commands for manipulating data on the Internet, comprising:

logic that provides data on a website on the Internet;

logic that receives voice signals from a user accessing the website;

logic that compares the voice signals from the user to previously-stored voice samples of the user to establish an identity of the user, using at least two voice-authentication algorithms;

logic that interprets the voice signals of the user for determining navigation commands; and

logic that outputs selected data of the website based on the navigation commands.

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14. (Original) A system as recited in claim 13, wherein the data includes a voice-activated application, the navigation commands controlling execution of the application.

15. (Original) A system as recited in claim 13, wherein the user accesses the website from at least one of a computer and a telephone.

16. (Original) A system as recited in claim 13, further comprising logic that determines a language from the voice signals.

17. (Original) A system as recited in claim 13, further comprising logic that utilizes artificial intelligence to interact with the user.

18. (Original) A system as recited in claim 13, wherein the selected data includes voice signals and is output to a telephone.

19. (Previously presented) A method for recognizing voice commands for manipulating data on the Internet, the method comprising:
receiving a voice signal from a person cleared for access to the data;
characterizing the voice signal and storing a plurality of parameters indicative of a voice of the person;
receiving voice signals from a user desiring access to the data;

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comparing the voice signals to a data base of voice signals for persons cleared for access to the data, using at least two voice-authentication algorithms; allowing the user to access the data if the user is included in the database; and interpreting the voice signals of the user for determining navigation commands.

20. (Previously presented) The method of Claim 19 further comprising outputting selected data based on the navigation commands.

21. (Previously presented) The method of Claim 19 wherein the voice signal is characterized by statistical parameters.

22. (Previously presented) The method of Claim 19 wherein the step of comparing is accomplished with a speech recognition algorithm.

23. (Previously presented) The method of Claim 19 wherein the step of receiving voice signals is accomplished at a first site and the step of comparing is accomplished at a second site.

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24. (Previously presented) The method of Claim 19 further comprising:
generating a signal indicative of a result of the step of comparing; and
sending the signal to a processing unit allowing access to the data.

25. (Previously presented) The method of Claim 19 wherein the voice signal
from a person is a password and the data to which access is allowed depends on
the password.

26. (Previously presented) A system for accessing and navigating data on
the Internet using voice signals, comprising:
a transducer for transducing and transmitting signals indicative of a voice;
a terminal for receiving signals indicative of the voice, the terminal further
comprising a receiver, an analog front end, and a codec;
an interface between the terminal and a processor; and
a processor for receiving and processing signals from the transducer and the
terminal through the interface,

wherein a user inputs a voice signal to the transducer, access to the data on
the Internet is allowed if the voice signal matches a previously-stored voice signal
from the user using at least two voice-authentication algorithms, and the system
interprets the voice signals of the user for determining navigation commands.

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27. (Previously presented) The system of Claim 26, wherein the transducer is selected from the group consisting of a microphone, an optical transducer, and a radio-frequency transducer.

28. (Previously presented) The system of Claim 26, wherein the interface is selected from the group consisting of an interface circuit, and a transmitter for transmitting digitized sound data and a terminal for receiving the digitized sound data.

29. (Previously presented) The system of Claim 26, wherein the interface comprises a digital signal processor, a transmitter, a terminal unit, and an interface circuit, wherein the receiver conditions sounds from the transducer, the codec performs an analog-to-digital conversion of the conditioned sounds, the digital signal processor analyzes a signal of the digitized sound to extract spectral and statistical data, and the transmitter transmit the data to the processor for receiving and processing signals.

30. (Previously presented) A computer program embodied on a computer readable medium for recognizing voices and voice commands for accessing and manipulating data on the Internet, the program comprising:

- a code segment for receiving and digitizing voice signals from a user;
- a code segment for analyzing the voice signals and determining statistical parameters indicative of the voice and voice commands from the user;

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a code segment for identifying and storing statistical parameters indicative of a voice signal from a user;

a code segment that interprets voice signals and voice commands of the user for determining an identity of the user using at least two voice-authentication algorithms; and

a code segment for navigating on the Internet.

31. (Previously presented) The program of Claim 30, further comprising a code segment that outputs selected data of the website based on navigation commands from the user.

32. (Previously presented) The program of Claim 30, further comprising a code segment that determines a language from the voice and voice commands of the user.

33. (Previously presented) The program of Claim 30, further comprising a code segment that utilizes artificial intelligence to interact with the user.

IX. Evidence Appendix

No additional evidence has been submitted in this case.

X. Related Proceedings Appendix

There are no relating proceedings for this application.